

### III. New Requirements for ALL Cases

#### 1. Receptor Evaluation

A receptor evaluation is a set of remediation requirements that are aimed at ensuring that people and ecological receptors are protected from exposure to hazardous substances at or near contaminated sites. The remediating party must begin to conduct the receptor evaluation when a discharge is confirmed and will continue to evaluate potential receptors throughout the remedial process. At several times during the remediation process, the remediating party must submit the results of these remediation requirements to the Department on a new reporting form that is entitled Receptor Evaluation form. A copy of the completed Receptor Evaluation form must also be sent to the municipal clerk and local health official where the site is located.

The Technical Rules, at N.J.A.C. 7:26E-1.16- 1.19, establish regulatory timeframes for the receptor evaluation. There is a mandatory timeframe for the submittal of the initial Receptor Evaluation form which is established by the ARRCs rule at N.J.A.C. 7:26C-3.3. The Department has proposed regulatory amendments that extend the regulatory timeframe for the remediating party to submit the receptor evaluation, see the Department's Compliance Advisory Update, Notice of Proposed Rule Changes Concerning Site Remediation Compliance Timeframes and Vapor IEC requirements at <http://www.nj.gov/dep/enforcement/advisories/2010-12.pdf>.

The remediating party must ensure that each component of the Receptor Evaluation form is completed to accurately reflect conditions at and around the site at the time that the report is submitted. The Receptor Evaluation form provides a snapshot in time that captures the results of the ongoing evaluation. If contamination from the site does not impact potable wells, indoor air or ecological resources, the Receptor Evaluation form must be completed to reflect that.

The receptor evaluation process and immediate environmental concern (IEC) conditions (N.J.A.C. 7:26E-1.14), are related to each other. The requirements to sample potable water or indoor air are triggered during the receptor evaluation. When sampling identifies contamination as a result of a discharge from a site at levels in potable water that exceed Class II Ground Water Remediation Standards or levels in indoor air that exceed the vapor intrusion rapid action levels that portion of the case becomes an IEC. When an IEC condition has been triggered, all related sampling, mitigation, reporting etc. are subject to the requirements of N.J.A.C. 7:26E-1.14.

An outline of the receptor evaluation quick reference guide is provided below to help put all these requirements in context:

#### Receptor Evaluation

1. General and Reporting Requirements (N.J.A.C. 7:26E-1.15)
2. Land Use (N.J.A.C. 7:26E-1.16)
3. Ground Water (N.J.A.C. 7:26E-1.17)
  - a. Potable water IEC condition
  - b. No Potable water IEC condition is identified
4. Vapor Intrusion (N.J.A.C. 7:26E-1.18)
  - a. Indoor air IEC condition
  - b. No indoor air IEC condition is identified
  - c. Submission of vapor intrusion results
5. Ecological (N.J.A.C. 7:26E-1.19)

## 1. General and Reporting Requirements (N.J.A.C. 7:26E-1.15)

Action	When	Forms	Other sources of info	Rule citations
Conduct a receptor evaluation pursuant to 7:26E-1.16 through 1.19 Note: Quick reference guides are provided for each rule section below.	Begin the receptor evaluation process when a discharge is confirmed	NA	Discharge notification to Hotline (1-877-WARNDEP) <a href="#">Confirmed Discharge Notification Instructions</a>	<a href="#">7:26E-.4(b)</a> <a href="#">7:26E-1.15</a>
Submit an <u>initial</u> receptor evaluation form	By November 26, 2010 for existing cases <sup>1</sup> or With the Site Investigation Report, for new cases <sup>1</sup>	<a href="#">Receptor Evaluation form</a>	For all cases submit to: NJDEP Case Assignment/Initial Notice 401 E. State St. PO Box 434 Trenton, NJ 08625 Also submit copies to: Municipal Clerk and local health officer	<a href="#">7:26E-1.15(c)</a> <a href="#">7:26C-3.3</a>
Submit an updated receptor evaluation form	With the Remedial Investigation Report <b>and</b> With the Remedial Action Report	<a href="#">Receptor Evaluation form</a>	For case w/LSRP and without Department oversight submit to: NJDEP Case Assignment/Initial Notice 401 E. State St. PO Box 434 Trenton, NJ 08625 For case w/Department oversight submit to assigned DEP Case Manager Also submit copies to: Municipal Clerk and local health officer	<a href="#">7:26E-1.15(d)</a> <a href="#">7:26E-4.8</a> <a href="#">7:26E-6.7</a>

### Footnote:

1. The Department has proposed to extend the regulatory date for submission of the initial RE for existing sites until March 1, 2011 or one year after the initiation of a remediation that occurs after March 1, 2010 without regard to the remedial phase of the case. For new cases the Initial Receptor Evaluation form is required to be submitted with the Site Investigation Report which is due within 1 year after the report of the discharge, ISRA trigger or regulated UST closure. These are regulatory timeframes established by the Technical Rules, N.J.A.C. 7:26E-1.15.

The proposed corresponding mandatory timeframe is 1 year from March 1, 2012, or 2 years after the initiation of a remediation that occurs after March 1, 2010, whichever is later (N.J.A.C. 7:26C-3.3(a)). The person responsible for conducting the remediation may request an extension of regulatory or mandatory timeframes, pursuant to N.J.A.C. 7:26C-3.5, for good cause by submitting a [Remediation Timeframe Extension Request Form](#) to the Department.

[Link to General and Reporting Requirements FAQs](#)

## 2. Land Use (N.J.A.C. 7:26E-1.16)

Action	When	Forms	Other sources of info	Rule citations
Identify all current land use: <ul style="list-style-type: none"> <li>At the site; and</li> <li>Within 200 feet of site boundary</li> </ul>	Begin the receptor evaluation process when a discharge is confirmed	<a href="#">Receptor Evaluation form</a> Section B	See general and reporting requirements (N.J.A.C. 7:26E-1.15) above	<a href="#">7:26E-1.16(a)</a>
Provide the address and map showing the locations of each within 200 feet of site boundary: <ul style="list-style-type: none"> <li>Residence</li> <li>School</li> <li>Child care center</li> <li>Park</li> <li>Playground or other recreation area</li> </ul>				<a href="#">7:26E-1.16(b)</a> <a href="#">7:26E-1.16(c)</a>
Identify and describe all proposed changes to land use at the site or within 200 feet of the site boundary			Local Planning and Zoning Board	<a href="#">7:26E-1.16(d)</a>

[Link to Land Use FAQs](#)

### 3. Ground Water (N.J.A.C. 7:26E-1.17)

Action	When	Forms	Other sources of info	Rule citations
<b>Conduct a receptor evaluation for ground water (GW) when any contaminant in ground water exceeds any Class II Ground Water Remediation Standard</b> <ul style="list-style-type: none"> <li>Conduct a well search</li> <li>Conduct a door-to-door survey</li> <li>Identify information about all wells identified</li> <li>Determine if ground water contamination is in Tier 1 or Tier 2 well head protection area</li> </ul>	Within 90 days after ground water contamination is detected	<a href="#">Well Search Spreadsheet</a>	<a href="#">DEP Division of Water Quality, Bureau of Water Systems and Well Permitting</a> County and local health departments <a href="#">DEP, NJ-GeoWeb Environmental Mapping Tool</a>	<a href="#">7:26E-1.17(a)1i-v</a>
Notify the Department if any potable or irrigation wells, identified in the well search and/or door-to-door survey, will be sampled.	7 days prior to sampling event	<a href="#">Potable Well/Indoor Air Sampling Notification Form Instructions</a>	Send submissions as outlined in the general and reporting requirements (N.J.A.C. 7:26E-1.15) above	<a href="#">7:26E-1.17(a)2i</a> <a href="#">7:26E-1.4(e)</a>
Sample all required wells	Within 120 days after ground water contamination is detected	NA	<a href="#">DEP's Field Sampling Procedures Manual</a>	<a href="#">7:26E-1.17(a)2ii</a>
Submit detailed report of all potable well sampling activities	With the applicable remedial phase report	NA	Send submissions as outlined in the general and reporting requirements (N.J.A.C. 7:26E-1.15) above	<a href="#">7:26E-1.17(d)</a> <a href="#">7:26E-3.13</a> <a href="#">7:26E-4.8</a> <a href="#">7:26E-6.6</a>
<b>a. If a contaminant concentration is detected in any potable well in excess of the Class II Ground Water Remediation Standard</b>				<a href="#">7:26E-1.17(b)</a>
Notify DEP of the IEC condition and conduct all required actions pursuant to 7:26E-1.14 Note: If IEC condition is identified follow the <a href="#">Immediate Environmental Concern Quick Reference Guide</a>	Immediately after receiving sampling results	<a href="#">Immediate Environmental Concern (IEC) Response Action form</a>	1-877 WARNDP or 1-877-927-6773 <a href="#">Immediate Environmental Concern (IEC) Guidance</a> Send submissions as outlined in the general and reporting requirements (N.J.A.C. 7:26E-1.15) above	<a href="#">7:26E-1.17(b)1</a> <a href="#">7:26E-1.14</a>

Action	When	Forms	Other sources of info	Rule citations
Continue to delineate ground water contamination, including free product	Within 14 days after completing the first round of potable well sampling	NA	NA	<a href="#">7:26E-1.17(b)2i</a> <a href="#">7:26E-4</a>
Continue to identify potable wells and conduct additional sampling	Same as above	NA	<a href="#">Immediate Environmental Concern (IEC) Guidance</a>	<a href="#">7:26E-1.17(b)2ii</a>
<b>b. If no contaminant concentration is detected in any potable well sample in excess of any Class II Ground Water Remediation Standard</b>				<a href="#">7:26E-1.17(c)</a>
Submit all analytical results with full laboratory deliverables	Within 14 days after receipt of the analytical results from the laboratory	<a href="#">Full Data Laboratory Deliverables form</a>	<a href="#">7:26E Appendix A - Laboratory Data Deliverables Formats</a> Send submissions as outlined in the general and reporting requirements (N.J.A.C. 7:26E-1.15) above	<a href="#">7:26E-1.17(c)</a>
<b>If a LSRP is hired to oversee the remediation</b>				<a href="#">7:26E-1.17(c)2</a>
Notify each person whose well was sampled of the analytical results and provide the DEP with a copy of each notification letter  Note: If an LSRP is not hired for the site the Department will conduct the notification	NA	NA	Submit to: NJDEP Case Assignment/Initial Notice 401 E. State St. PO Box 434 Trenton, NJ 08625	<a href="#">7:26E-1.17(c)2</a>

[Link to Ground Water FAQs](#)

#### 4. Vapor Intrusion (N.J.A.C. 7:26E-1.18)

Action	When	Forms	Other sources of info	Rule citations
<p>Conduct a vapor intrusion (VI) investigation when any of the following conditions exist in ground water:</p> <ul style="list-style-type: none"> <li>• Petroleum hydrocarbon contamination in ground water at a concentration greater than any VI ground water screening level (GWSL) within 30 feet of a building</li> <li>• Volatile organic (VO) contamination in ground water (not petroleum based) at a concentration greater than any VI GWSL within 100 feet of a building</li> <li>• Free product is identified within 100 feet of a building (see requirements if contamination is limited to #2 fuel oil or diesel oil) <sup>1</sup></li> <li>• Soil gas or indoor air contamination is detected at concentrations that exceed the applicable vapor intrusion soil gas or indoor air screening level</li> <li>• A landfill is located on or adjacent to the site</li> <li>• A wet basement or sump in a building contains free product and/or ground water containing any contaminant listed in Table 1 of the Vapor Intrusion Guidance(VIG)</li> <li>• Methane generating conditions are present that may cause an explosion</li> </ul>	<p>Begin VI investigation when site conditions noted in the Action column at left are present.</p>	<p>NA</p>	<p><a href="#">Vapor Intrusion Guidance</a></p>	<p><a href="#">7:26E-1.18(a)1-4</a></p>
<p>If a VI investigation is needed identify all structures and subsurface utilities located within 200 feet of the currently known extent of the shallow ground water plume and determine:</p> <ul style="list-style-type: none"> <li>• Specific use of each structure identified above</li> <li>• Specific information regarding subsurface utilities</li> <li>• Shallow ground water flow direction pursuant to 7: 26E-3.7(e)3</li> <li>• If free product is present pursuant to 7:26E-2.1(a)14 (see requirements if contamination is limited to #2 fuel oil or diesel oil) <sup>1</sup></li> </ul>	<p>Within 60 days after determining need to conduct VI</p>	<p>NA</p>	<p><a href="#">DEP Field Sampling Procedures Manual</a></p>	<p><a href="#">7:25E-1.18(b)1-5</a></p>
<p>Conduct the VI sampling (sub-slab and/or indoor air) and notify the Department</p>	<p>7 days prior to sampling event</p>	<p><a href="#">Potable Well/ Indoor Air Sampling Notification form</a></p>	<p>Send submissions as outlined in the general and reporting requirements (N.J.A.C. 7:26E-1.15) above</p>	<p><a href="#">7:26E-1.18(c)1</a> <a href="#">7:26E-1.4(e)</a></p>

Action	When	Forms	Other sources of info	Rule citations
Conduct the required sampling	Within 150 days after determining the need to conduct the VI	NA	<a href="#">Vapor Intrusion Guidance</a>	<a href="#">7:26E-1.18(c) 2</a>
Submit report of all vapor intrusion sampling activities	With the applicable remedial phase report	NA	Send submissions as outlined in the general and reporting requirements (N.J.A.C. 7:26E-1.15) above	<a href="#">7:26E-1.18(f)</a> <a href="#">7:26E-3.13</a> <a href="#">7:26E-4.8</a> <a href="#">7.26E-6.6</a>
<b>a. If the results are greater than the proposed vapor intrusion rapid action levels</b>				<a href="#">7:26E-1.18(c)2vi</a>
Determine if contaminants are likely to be associated with the discharge from the site or may be attributable to background sources	NA	NA	NA	<a href="#">7:26E-1.18(c)2vi(1)</a>
Notify the DEP of the IEC condition and conduct all required actions pursuant to 7:26E-1.14  Note: If IEC condition is identified follow the <a href="#">Immediate Environmental Concern Quick Reference Guide</a>	Immediately	NA	1-877 WARNDP or 1-877-927-6773	<a href="#">7:26E-1.18(c)2vi(2)</a>
Immediately notify the NJ Dept of Health and Senior Services if concentrations greater than Health Department Notification Levels.	Immediately	NA	609-631-6749 Health Department Notification Levels Table 2 – <a href="#">Vapor Intrusion Guidance</a>	<a href="#">7:26E-1.18(c)vi(3)</a>
If any potentially explosive conditions are identified in any structure or subsurface utility immediately notify:  Emergency DEP DHSS	Immediately	NA	911 1-877 WARNDP or 1-877-927-6773 609-631-6749	<a href="#">7:26E-1.18(c)vi(4)</a>

Action	When	Forms	Other sources of info	Rule citations
<p>If the remediation is being conducted with a LSRP and indoor air sampling is conducted submit the following in <u>electronic format</u> directly to the Department of Health and Senior Services (DHSS):</p> <ul style="list-style-type: none"> <li>• A narrative summary of analytical results</li> <li>• A sample location map</li> <li>• Analytical table</li> </ul>	14 days after receiving analytical data	NA	<p>Indoor air sampling results on CD to:</p> <p>DHSS Indoor Environments Program 135 E. State Street PO Box 369 4th Floor Trenton, NJ 08625-0369</p> <p>Or via email to <a href="mailto:iep.program@doh.state.nj.us">iep.program@doh.state.nj.us</a></p>	<a href="#">7:26E-1.18(d)</a>
<p>If a VI IEC condition is identified:</p> <p>Delineate ground water including free product pursuant to 7:26E-4.4; and</p> <p>Conduct additional indoor air and sub-slab sampling</p>	Within 14 days after completing the first round of sampling		<p><a href="#">Immediate Environmental Concern (IEC) Guidance</a></p> <p><a href="#">Vapor Intrusion Guidance</a></p>	<p><a href="#">7:26E-1.18(e)</a></p> <p><a href="#">7:26E-4</a></p>
<b>b. If the results are above the indoor air screening levels but at or below the proposed vapor intrusion rapid action levels</b>				<a href="#">7:26E-1.18(f)</a>
<p>Notify the DEP of the vapor concern condition and conduct all required actions pursuant to 7:26E-1.18(f)</p> <p>Submit a vapor concern mitigation plan</p> <p>Implement Vapor concern mitigation plan</p> <p>Submit a vapor concern mitigation report</p>	<p>Within 14 days after receipt from the lab</p> <p>Within 60 days after condition is identified</p> <p>Within 120 days after condition is identified</p> <p>Within 180 days after condition is identified</p>	<a href="#">Vapor Concern Response Action form</a>	<a href="#">Vapor Concern Interim Technical Guidance</a>	<a href="#">7:26E-1.18(f)</a>
<b>c. Submission of all vapor intrusion sampling results</b>				<a href="#">7:26E-1.18(d)</a>



Action	When	Forms	Other sources of info	Rule citations
<p>Submit all analytical results in the full laboratory deliverables to NJDEP</p> <p>If the remediation is being conducted with an LSRP and indoor air sampling is conducted submit the following in <u>electronic format</u> directly to the Department of Health and Senior Services (DHSS):</p> <ul style="list-style-type: none"> <li>• A narrative summary of analytical results</li> <li>• A sample location map</li> <li>• Analytical table</li> </ul>	<p>Within 14 days after receipt from the lab</p>	<p><a href="#">Full Laboratory Deliverables form</a></p> <p>NA</p>	<p>Send submissions of indoor air and/or subslab sampling results to the assigned NJDEP case manager or if LSRP:</p> <p>NJDEP Case Assignment/Initial Notice 401 E. State St. PO Box 434 Trenton, NJ 08625</p> <p>And</p> <p>Indoor air results on CD to:</p> <p>DHSS Indoor Environments Program 135 E. State Street PO Box 369 4th Floor Trenton, NJ 08625-0369</p> <p>Or via email to <a href="mailto:iep.program@doh.state.nj.us">iep.program@doh.state.nj.us</a></p>	<p><a href="#">7:26E-1.18(d)</a> <a href="#">7:26E-2.1(a)17</a> <a href="#">7:26E Appendix A</a></p>
<p>If a LSRP is overseeing the remediation notify each person where indoor air and/or subslab sampling was conducted of the analytical results and provide the DEP with a copy of each notification letter</p>	<p>NA</p>	<p>NA</p>	<p>Submit to:</p> <p>NJDEP Case Assignment/Initial Notice 401 E. State St. PO Box 434 Trenton, NJ 08625</p>	<p><a href="#">7:26E-1.18(d)3</a></p>

#### Footnote

1. A vapor intrusion investigation is not required when #2 fuel oil or diesel oil is identified in ground water as free product within 100 feet of a building. In this case a ground water sample should be collected at a location between the known extent of the free product and the building. A vapor intrusion investigation will be required when volatile contaminants are present in the dissolved phase at concentrations that exceed the vapor intrusion ground water screening level within 30 feet of a building. (See <http://www.state.nj.us/dep/srp/guidance/vaporintrusion/whatsnew.htm>)

[Link to Vapor Intrusion FAQs](#)

## 5. Ecological (N.J.A.C. 7:26E-1.19)

Action	When	Forms	Other sources of info	Rule citations
Conduct a Baseline Ecological Evaluation (BEE) pursuant to N.J.A.C. 7:26E-3.11	See reporting timeframes in general and reporting requirements (N.J.A.C. 7:26E-1.15) above	<a href="#">Receptor Evaluation form</a>	<a href="#">Guidance for Sediment Quality Evaluation</a>	<a href="#">7:26E-1.19</a> <a href="#">7:26E-3.11</a>

[Link to Ecological FAQs](#)

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